

AN ORDINANCE



BY COUNCILMEMBER CARLA SMITH:

**02-0-1039**

**02-0-**

AN ORDINANCE WAIVING THE TREE REPLACEMENT REQUIREMENTS OF THE TREE PROTECTION ORDINANCE IN CONNECTION WITH THE APPLICATION OF EARLY LEARNING PROPERTY MANAGEMENT, INC., FOR PERMITS TO REMOVE TREES FOR CONSTRUCTION, AND FOR OTHER PURPOSES.

WHEREAS, Early Learning Property Management, Inc., has acquired lease rights in property on Woodland Avenue for the purpose of renovating an existing public elementary school in southeast Atlanta, Council District One; and

WHEREAS, Early Learning Property Management, Inc., intends to renovate the building for use as a child development center in Southeast Atlanta; and

WHEREAS, the subject tract of land is presently developed with a public elementary school and certain playground improvements are required for the child development center; a tree survey recently conducted at the subject property indicates substantial tree cover, based on the proposed clearing of the site for the required improvements, approximately 32 trees will have to be removed, and

WHEREAS, according to the present City of Atlanta Tree Protection Ordinance, Section 158-103(b), replacement cost for trees to be removed from the subject property totals approximately \$22,150.00; and

WHEREAS, tree replacement, in the amount specified in the subject Tree Protection Ordinance, creates a hardship in the effort to renovate this public school building for use as a child development center; and

WHEREAS, the parties request relief from the tree replacement provisions of the Tree Ordinance, based on hardship, since payment of this amount for replacement would render the project completely impossible; and

WHEREAS, the City Council determines that it is in the best interests of the City of Atlanta that the tree replacement fees be waived:

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, AS FOLLOWS:

**Section One:** THAT the provisions for tree replacement as set forth in the Tree Protection Ordinance, Article II of Chapter 158 of the Atlanta City Code (1995), be and the same hereby are, waived for the purpose of the application of Early Learning Property Management, Inc., for a permit to remove trees for the purpose of construction on that certain tract of land leased by them, located on the west side of Woodland Avenue in southeast Atlanta, Council District One;

**Section Two:** THAT, notwithstanding the provisions of Section One above, the applicants shall be required to comply with all requirements of the Tree Protection Ordinance other than the requirement of tree replacement, which is waived thereby;

**Section Three:** THAT all ordinances in conflict herewith are repealed for purposes of this ordinance, and only for purposes of this ordinance.

**02-O-**

RCS# 4349  
1/06/03  
2:46 PM

Atlanta City Council

Regular Session

MULTIPLE

02-O-0520; 02-O-0599  
02-O-1039; 02-O-1147  
FILE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	NV Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Boazman	NV Woolard

MULTIPLE

02-O -1039

(Do Not Write Above This Line)

AN ORDINANCE

BY COUNCILMEMBER CARLA SMITH:

AN ORDINANCE WAIVING THE FINANCIAL RECOMPENSE REQUIREMENTS OF THE TREE PROTECTION ORDINANCE IN CONNECTION WITH THE APPLICATION OF EARLY LEARNING PROPERTY MANAGEMENT, INC., FOR PERMITS TO REMOVE TREES FOR CONSTRUCTION, AND FOR OTHER PURPOSES.

Full Council

FILED

1/6/03

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred 6/3/02

Referred To: CD/HR

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee CD/HR  
Date 6/11/02  
Chair \_\_\_\_\_  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

Committee CD/HR  
Date 6/10/02  
Chair Carla Smith  
Action: \_\_\_\_\_  
Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
Other: \_\_\_\_\_  
Members \_\_\_\_\_  
Refer To \_\_\_\_\_

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JAN 06 2003

Carla Smith, Mayor

CERTIFIED  
JAN 06 2003

Shirley D. Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION